

DEPARTMENT OF SOCIAL SERVICES
744 P Street, Sacramento, CA 95814



August 26, 1994

ALL-COUNTY LETTER NO. 94-70

TO: ALL COUNTY WELFARE DIRECTORS

REASON FOR THIS TRANSMITTAL

- ☐ State Law Change
- ☐ Federal Law or Regulation Change
- ☐ Court Order
- ☐ Clarification Requested by One or More Counties
- ☒ Initiated by CDSS

SUBJECT: REVISED CHILD SUPPORT DISREGARD NOTICE M43-201A

REFERENCES: MPP SECTION 40-173, 43-201, 43-203.2, 25-370

HANDBOOK: THIS LETTER CONTAINS INFORMATION UPDATING THE AID TO
FAMILIES WITH DEPENDENT CHILDREN (AFDC) NOTICE OF ACTION
HANDBOOK

The purpose of this letter is to transmit copies of the revised Child Support Disregard Payment notice M43-201A. The notice has been expanded in two ways:

1. As a result of the Barnes litigation, language has been added to inform recipients of their State Hearing rights and to tell them how to ask for a State Hearing.
2. Three versions of the notice have been developed to provide counties administrative flexibility in conveying to the recipient the months of collection.

The following notice documents are attached:

- o Attachment 1 - Revised Child Support Disregard Payment Notice M43-201A.
- o Attachment 2 - Copy of a single page that contains all three versions of the notice. It is available from the California Department of Social Services (CDSS) Business Services Bureau in camera ready format.

The three versions are worded exactly alike with the exception of the first sentence. The first sentence of each version is shown below:

1. The check is "current" support that the county collected for the month(s) of:_____.

This version tells the recipient which months of collection the enclosed check is for.

2. The check is "current" support that the county collected for the support month shown on the check.

This version tells the recipient to look on the enclosed check for the months of collection that the check is for.

3. You will soon receive a check for "current" support that the county collected for the month(s) of:_____.

This version tells the recipient that a check for current support will be following in a separate letter.

IMPLEMENTING THE DISREGARD NOTICE

The revised Disregard Notice is effective immediately, subject to the availability of stock.

HOLDERS OF THE AFDC NOTICE OF ACTION HANDBOOK

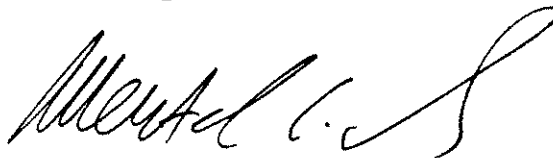
File message document M43-201A in section 6 of the Handbook and remove the obsoleted version.

CAMERA-READY COPIES

Camera-ready copies in English, Spanish, Cambodian, Lao, Chinese, and Vietnamese will be forwarded to the County Forms Coordinator by the Language Services Bureau as soon as they become available.

If you have questions, please contact Ann Fajen of the AFDC Policy Implementation Bureau at (916) 654-1797, CALNET 464-1797.

Sincerely,



MICHAEL C. GENEST
Deputy Director
Welfare Programs Division

Enclosures

State of California
Department of Social Services

Auto ID No. :
Flow Chart No. :
Source : DEFRA I
Regulation Cite: 43-201.3

Manual Msg. No.: M43-201A 1of3
Action : Pay Disregard
Issue: Disregard, Ch Supp
Title: CS Disregard Payment
Form No. : Spl Format
Effective Date : 10/01/84
Revision Date : 08/01/94

Note: The message exists in the three versions shown below. They do not constitute standard notices of action and, therefore, are not to be used with the NA back. The versions are all formatted so that the one you select to use can be printed on one side of a stuffer, and the Spanish language version can be printed on the other side.

Camera-ready copies of the three versions in English are available on request from the CDSS Business Services Bureau. Versions in Spanish, sized to fit on the back of the comparable English version, are available from the CDSS Language Services Bureau.

All three versions are identical except for the first sentence of each. A county may use whichever version(s) is most practical from a county administrative standpoint.

MESSAGE FORM MF43-201A1: This version is sent with the disregard warrant. It provides space in the first sentence for entering the month(s) that the support payment is for.

The check is "current" support that the county collected for the month(s) of:

You must be paid (up to) the first \$50 of current support collected for your family each month. The most you can get is \$50 a month, even when the county gets current support from more than one parent or for more than one child. For months that we do not get current support for you, you will not get a check like this.

You must report this income to the county on your monthly CA 7 or SAWS 7 report form. The income will not lower your cash aid, but it may lower your food stamps.

Rules: These rules apply; you may review them at your welfare office: MPP 43-201.3.

Hearing File: If you ask for a hearing, the State Hearing Office will set up a file. You have a right to see this file. The State may give your file to the Welfare Department, the U.S. Department of Health and Human Services and the U.S. Department of Agriculture. (W&I Code Section 10950)

MF 43-201A1 (8/94) Child Support Disregard Payment - Date on Stuffer

Your State Hearing Rights: If you think this action is wrong, you can ask for a hearing. You only have 90 days to ask for this hearing. The 90 days started the day after we mailed this notice.

To Get Help: You can ask the State about your hearing rights or free legal aid with a toll-free call to:

1-800-952-5253

or TDD for hearing impaired: 1-800-952-8349

If you do not want to come to the hearing alone, you can bring a friend, an attorney or anyone else. You must get the other person yourself. You may get free legal help from your local legal aid office or welfare rights group.

How to Ask for a State Hearing: The best way to ask for a hearing is to send or take a written request to:

You may also phone one of the above numbers.

State of California
Department of Social Services
Flow Chart No. :
Source : DEFRA I

Manual Msg. No.: M43-201A 2of3
Action : Pay Disregard
Effective Date : 10/01/84
Revision Date : 08/01/94

MESSAGE FORM MF43-201A2: This version is sent with the disregard warrant when the month(s) that the disregard is for is shown on the warrant rather than on the message document. Counties using this version will make arrangements to assure that the month(s) that the disregard is for is clearly identified on the face of the warrant.

The check is "current" support that the county collected for the support month shown on the check. You must be paid (up to) the first \$50 of current support collected for your family each month. The most you can get is \$50 a month, even when the county gets current support from more than one parent or for more than one child. For months that we do not get current support for you, you will not get a check like this.

You must report this income to the county on your monthly CA 7 or SAWS 7 report form. The income will not lower your cash aid, but it may lower your food stamps.

Rules: These rules apply; you may review them at your welfare office: MPP 43-201.3.

Hearing File: If you ask for a hearing, the State Hearing Office will set up a file. You have a right to see this file. The State may give your file to the Welfare Department, the U.S. Department of Health and Human Services and the U.S. Department of Agriculture. (W&I Code Section 10950)

MF 43-201A2 (8/94) Child Support Disregard Payment - Date on Warrant

Your State Hearing Rights: If you think this action is wrong, you can ask for a hearing. You only have 90 days to ask for this hearing. The 90 days started the day after we mailed this notice.

To Get Help: You can ask the State about your hearing rights or free legal aid with a toll-free call to:

1-800-952-5253

or TDD for hearing impaired: 1-800-952-8349

If you do not want to come to the hearing alone, you can bring a friend, an attorney or anyone else. You must get the other person yourself. You may get free legal help from your local legal aid office or welfare rights group.

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MESSAGE FORM MF43-201A3: This version is sent when the county exercises it's option to send the notice in advance of the warrant. The first sentence tells the client that he/she will soon receive a support "check" for a specified month(s).

You will soon receive a check for "current" support that the county collected for the month(s) of:

_____. You must be paid (up to) the first \$50 of current support collected for your family each month. The most you can get is \$50 a month, even when the county gets current support from more than one parent or for more than one child. For months that we do not get current support for you, you will not get a check like this.

You must report this income to the county on your monthly CA 7 or SAWS 7 report form. The income will not lower your cash aid, but may lower your food stamps.

Rules: These rules apply; you may review them at your welfare office: MPP 43-201.3.

Hearing File: If you ask for a hearing, the State Hearing Office will set up a file. You have a right to see this file. The State may give your file to the Welfare Department, the U.S. Department of Health and Human Services and the U.S. Department of Agriculture. (W&I Code Section 10950)

MF 43-201A3 (8/94) Child Support Disregard Payment - Advance Notice

Your State Hearing Rights: If you think this action is wrong, you can ask for a hearing. You only have 90 days to ask for this hearing. The 90 days started the day after we mailed this notice.

To Get Help: You can ask the State about your hearing rights or free legal aid with a toll-free call to:

1-800-952-5253

or TDD for hearing impaired: 1-800-952-8349

If you do not want to come to the hearing alone, you can bring a friend, an attorney or anyone else. You must get the other person yourself. You may get free legal help from your local legal aid office or welfare rights group.

How to Ask for a State Hearing: The best way to ask for a hearing is to send or take a written request to:

You may also phone one of the above numbers.

State of California
Department of Social Services
Flow Chart No. :
Source : DEFRA I

Manual Msg. No.: M43-201A 3of3
Action : Pay Disregard
Effective Date : 10/01/84
Revision Date : 08/01/94

GENERAL INSTRUCTIONS:

This message is used to identify support disregard warrants sent to clients. It tells the client that the warrant (check) is for current support collected by the county, it identifies the month(s) that the payment is for, and it explains the client's right to a State Hearing.

- o All months represented by the warrant must be shown either in the message (message versions 1 and 3) or on the warrant (version 2).
- o TIMING - The notice must be sent no later than concurrently with each disregard warrant.
- o When computing the grant, if a disregard is applied to a support payment made directly to the recipient and a change in the grant amount results, the above notices are NOT used. Rather, information about the disregard should be incorporated into the Notice of Action changing the grant. For further information, see the Notices of Action Section of All County Letter No. 84-107 which provided notices for the first set of DEFRA regulations.

This message replaces Manual Message No. M43-201A dated 01/16/85.

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You must report this income to the county on your monthly CA 7 or SAWS 7 report form. The income will not lower your cash aid, but it may lower your food stamps.

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Hearing File: If you ask for a hearing, the State Hearing Office will set up a file. You have a right to see this file. The State may give your file to the Welfare Department, the U.S. Department of Health and Human Services and the U.S. Department of Agriculture. (W&I Code Section 10950)

MF 43-201A1 (8/94) Child Support Disregard Payment - Date on Stuffer

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MF 43-201A2 (8/94) Child Support Disregard Payment - Date on Warrant

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MF 43-201A3 (8/94) Child Support Disregard Payment - Advance Notice

Your State Hearing Rights: If you think this action is wrong, you can ask for a hearing. You only have 90 days to ask for this hearing. The 90 days started the day after we mailed this notice.

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5/16/94